

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

JAMES WILLIAMS,
v.
COUNTY OF CLARK, et al.,
Respondents.

Case No. 2:17-cv-02952-APG-PAL

ORDER

Before the court is James Williams' *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On April 5, 2018, this court directed Williams to show cause and file such proof to demonstrate that he satisfied the in-custody requirement at the time he filed this petition (ECF No. 3). The federal habeas statute gives the United States district courts jurisdiction to entertain petitions for habeas relief only from persons who are "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3) (emphasis added); *see also* 28 U.S.C. § 2254(a). A person who is on parole or probation at the time he files his federal habeas petition satisfies the custody requirement. *Jones v. Cunningham*, 371 U.S. 236, 240-243 (1963).

Williams filed a response to the show-cause order in which he states that he was on a form of "informal probation" at the time he filed this petition because the court told him to stay out of trouble and to stay out of the resort corridor in Las Vegas (ECF No. 4). This is insufficient to satisfy the custody requirement. Accordingly, this petition is dismissed with prejudice for lack of jurisdiction.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS THEREFORE ORDERED that the petition is **DISMISSED** with prejudice.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

Dated: June 19, 2018.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE